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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/049,958	02/19/2002	Stig Lundback	LUNDBACK=3	8968

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WASHINGTON, DC 20001-5303

EXAMINER
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UPTON, CHRISTOPHER

ART UNIT	PAPER NUMBER
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1724

DATE MAILED: 07/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

049958

Applicant(s)

Lundbach

Examiner

Cptm

Group Art Unit

1724

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- ☐ Responsive to communication(s) filed on \_\_\_\_\_
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-18 is/are pending in the application.
- Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-3, 5-7 and 14-18 is/are rejected.
- ☒ Claim(s) 4 and 8-13 is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement

## Application Papers

- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some\* ☐ None of the:
  - ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_
- ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 4
- ☐ Interview Summary, PTO-413
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other \_\_\_\_\_

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1. The incorporation of essential material by reference to a foreign application or foreign patent or to a publication inserted in the specification is improper. Applicant is required to amend the disclosure to include the material incorporated by reference. The amendment must be accompanied by an affidavit or declaration executed by the applicant, or a practitioner representing the applicant, stating that the amendatory material consists of the same material incorporated by reference in the referencing application. *In re Hawkins*, 486 F.2d 569, 179 USPQ 157 (CCPA 1973); *In re Hawkins*, 486 F.2d 579, 179 USPQ 163 (CCPA 1973); *In re Hawkins*, 486 F.2d 577, 179 USPQ 167 (CCPA 1973).

The specification states that "The basic construction and operation of the apparatus is largely the same as...WO97/07292 and WO99/22078 and will not therefore be described in detail herein."

2. Claims 4 and 8-13 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from another multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.

3. Claims 1-3, 5-7 and 14-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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The claims contain vague and indefinite language, such as "particularly" and "especially." The structural relationship of some of the elements recited in the claims is unclear, such as the compartment, riser and overflow recited in claim 14. Also, claim 1 is unclear, as it recites that the separation compartment is in open communication with the upper subcompartment of the collection compartment, and then recites a valve for providing such communication when the valve is in the open position. While the use of figure reference numbers is permissible in claims, the claims should be complete and clear without requiring reference to the drawings.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 14 is rejected under 35 U.S.C. 102(b) as being anticipated by Paulson.

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Paulson discloses an oil skimmer having a compartment connected to a vented riser (78) and a lower outlet (60), as claimed.

6. Claim 14 is rejected under 35 U.S.C. 102(b) as being anticipated by Milgram.

Milgram discloses an oil skimmer having a compartment connected to a vented riser (24) and a lower outlet (48), as claimed.

7. Claim 14 is rejected under 35 U.S.C. 102(b) as being anticipated by Hill.

Hill discloses an oil skimmer having a compartment connected to a vented riser (50) and a lower outlet (52), as claimed.

8. Claim 18 is rejected under 35 U.S.C. 102(b) as being anticipated by Conradi et al.

Conradi discloses a bag for collecting oil having a mouth (18) and a remote drain (20), as claimed.

9. Claim 18 is rejected under 35 U.S.C. 102(b) as being anticipated by Woolley.

Woolley discloses a bag for collecting oil having a mouth (7) and a remote drain (12), as claimed.

10. Claims 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Milgram or Hill in view of Conradi or Woolley.

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Claim 15 differs from Milgram and Hill in recitation of a collapsible receptacle having a mouth and a remote drain. Such receptacles are known, as exemplified by Conradi and Woolley. It would therefore have been obvious for one of ordinary skill in the art to use such a container as the separator vessel (56) of Hill or the bag (28) of Milgram, to provide a readily portable separating storage container.

11. Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 15 above, and further in view of Pasbrig or Corcoran.

Claims 16 and 17, differ from claim 15 in recitation of the connection to the bag being a clamping ring, bead and intermediate bead. It is submitted that this is a known quick connection system, as exemplified by Pasbrig and Corcoran, and therefore would have been an obvious connection system for the bags of Conradi and Woolley.

12. Claims 1-3 and 5-7 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112 set forth in this Office action.

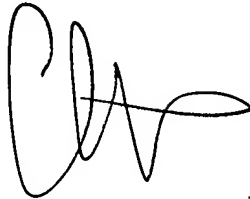
The recitation of a oil collecting apparatus having an upper subcompartment with an inner wall, a lower subcompartment with an outer wall, a bottom outlet, a separation compartment formed by the inner and outer walls, wherein the separation compartment is in communication with the collection compartment both openly and with a valve patentably distinguishes over the prior art of record.

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13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Other references of interest include Ayers, Nebecker, Astrom, Jenkins, Fox, Bagnulo, Mohn and Wirshing. U. S. Patents 6,015,501 and 6,458,282 appear to be the U. S. equivalents to WO97/07292 and WO99/22078.

14. Any inquiry concerning this communication should be directed to Christopher Upton at telephone number (703) 308-3741.

A handwritten signature in black ink, consisting of a large, stylized 'C' followed by a series of loops and a horizontal stroke extending to the right.

**CHRISTOPHER UPTON  
PRIMARY EXAMINER**